



ATTORNEYS AT LAW

Application GRANTED. The Clerk of Court is respectfully directed to close the motion at ECF No. 7.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Dale E. Ho".

Dale E. Ho  
United States District Judge  
Dated: May 2, 2025  
New York, New York

May 2, 2025

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**VIA ECF**

Hon. Dale E. Ho, U.S.D.J.  
United States District Court, Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re:     The Fresh Air Fund v. Illinois Employers Insurance of Wausau**  
**N/K/A Wausau General Insurance Company**  
United States District Court, Southern District of New York  
Case No.: 1:25-cv-03013

Dear Judge Ho:

This firm represents Defendant Illinois Employers Insurance of Wausau N/K/A Wausau General Insurance Company ("Defendant") with respect to the claims for extra-contractual damages in the above-referenced matter filed by Plaintiff The Fresh Air Fund ("Plaintiff").

We recently filed a motion to partially dismiss the Complaint pursuant to F.R.C.P. 12(b)(6), (the "12(b)(6) motion") which is currently pending before the Court. Please be advised that, upon conferring with Plaintiff's counsel, Defendant has agreed to withdraw the 12(b)(6) motion without prejudice. Accordingly, we kindly request the Court withdraw the 12(b)(6) motion from the Court's pending docket.

If you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

s/Tracey K. Wishert

Tracey K. Wishert